



**United States
Department of
Agriculture**

**Office of the
Assistant Secretary
for Civil Rights**

Center for Civil
Rights Enforcement

1400 Independence
Avenue SW

Washington, DC
20250

MAR 01 2019

Mr. Russ Kick
DEPT MR 47314
411A Highland Ave
Somerville, Massachusetts 02144

Dear Mr. Kick:

This letter is our final response to your Freedom of Information Act (FOIA) request, submitted through the United State Department of Agriculture's Public Access Link, and assigned to the Office of the Assistant Secretary for Civil Rights (OASCR) on February 22, 2019. Your request is assigned FOIA case number 2019-ASCR-02366-F. Specifically, you requested a copy of OASCR's FOIA request log covering 2018, which includes a field showing the subject of each request and a field for the final disposition. Further, you request that this document be sent in any digital formats in which it exists (such as PDF and Excel).

We conducted a search for responsive records and located 21 records for 2018. After reviewing these records, we determined that some information should be withheld in part pursuant to FOIA Exemption 6, 5 U.S.C. § 552 (b)(6). Therefore, where indicated on the enclosed electronic 2017 FOIA Log, we withheld certain names and identifiers. We also withheld in part information pertaining to records collected for investigative purposes pursuant to Exemption 7(C) of the FOIA.

Exemption 6 protects all information about individuals in "personnel and medical files and similar files," where the disclosure of such information " would constitute a clearly unwarranted invasion of personal privacy." In determining whether a disclosure would constitute an unwarranted invasion of personal privacy, OASCR must balance the public's right to disclosure against the individuals' right to privacy.

Exemption 7 (5 U.S.C. 552(b)(7)) protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy."

The determination as to whether the disclosure of private information is required under Exemptions 6 and 7(C) turns not on the identity of the requester or on the purpose for which the record is sought, but on the nature of the information requested and its relationship to the core purpose for which Congress enacted the FOIA: to shed light on an agency's performance of its statutory

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duties. We have determined that the release of the names and identifying information of persons involved in the investigation implicate the respective personal privacy interests of those individuals.

In accordance with 7 CFR Appendix A to Subpart A of Part 1, we will not assess charges for processing your FOIA request.


The FOIA provides you the right to appeal this determination. Any appeal must be made in writing to:

Ms. Winona Lake Scott
Associate Assistant Secretary for Civil Rights
U.S. Department of Agriculture
1400 Independence Avenue, SW
Room 507-A, Whitten Building
Washington, DC 20250-0115

The appeal must be received **not less than 90 days after the date of this** letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

This completes the processing of FOIA request number 2019-ASCR-02366-F.

Sincerely,



Shawn S. McGruder, Executive Director
Center for Civil Rights Enforcement

Enclosure

Office of the Assistant For Civil Rights FOIA Request Log Covering 2018

Received Date	Requester Name	Organization	Request ID	Request Description	Processed Days	Final Disposition
11/10/2017	(b) (6)	-	2018-ASCR-01776-F	All records pertaining to (b) (6), (b) (7)(C)	44	Granted/Denied in Part
12/15/2017	(b) (6)	-	2018-ASCR-00020-F	What is the position of USDA on my consecutive arrests in Missouri and prolonged incarceration in Maryland? Why is the deletion of my video now posted on YouTube wrong? Is Freud not a fraud? Is prison not hell on earth? What is the "My Brother Keeper," initiative? What to make of my time in prison: 6 months? Is that fair sentencing for a Trespassing charge? How to put into effect common sense sentencing reforms? In which instances do courts have flexibility in sentencing? How is a criminal record making it difficult to find employment? Does it not equate with a collateral consequence in the labor market? How have changes in the severity of sentencing and enforcement led to longer sentences and higher conviction rates for all offenses? How have changes in arrest patterns contributed to incarceration growth? How to explain Blacks and Hispanics accounting for over 50% of the incarcerated population despite representing only 30 percent of the population? Why arrest people without just probable cause and then compound the harm by using excessive force? (Dunaway v. New York, Martin v. Solem, Illinois v. Gates) What is police brutality? Do people not have significant liberty interest in standing	0	Other Reasons - Records not Reasonably Described
01/26/2018	Ioanes, Ellen	The Daily Dot	2018-ASCR-02133-F	The Daily Dot requests that the Department of Agriculture produce the following within twenty business days and further seeks expedited review of this request for the reasons identified below: 1. Line item budgets detailing any payouts for sexual harassment settlements. 2. Any communication (email, text message, memo or phone call readout, and attachments thereof) from the Chief Financial Officer regarding the payment of such settlements. 3. Any communication	62	Granted in Full

				(email, text message, memo or phone call readout, and attachments thereof) from the Office of the Inspector General regarding the payment of such settlements. 4. Any communication (email, text message, memo or phone call readout, and attachments thereof) from the Office of the General Counsel regarding the payment of such settlements. 5. Any communication or instruction to staff regarding the pursuit or request of such payments. 6. Any record of payment for such settlements.			
01/31/2018	(b) (6)	-	2018-ASCR-02136-F	In the attachment it states that I filed my report of harassment on June 28, 2017. The Employee Relations representative told me the case closed on November 11, 2017. (Date Range for Record Search: From 06/01/2017 To 01/31/2018)	30	Granted in Full	
02/05/2018	(b) (6)	-	2018-ASCR-02238-F	Copy of of the complaint requesting a hearing for (b) (6) in 2014	6	Granted in Full	
02/08/2018	(b) (6)	-	2018-ASCR-02326-F	Electronic messages such as email All email traffic received and sent by USDA OASCR staff regarding (b) (6), (b) (7)(C). This includes emails to and from the investigator as well as FNS employees such as but not limited to: Susan Siemietkowski Cristina Chiappe Telora Dean Vilma Alejandro Anna Shimko Felecia Newman Roberto Contreras Samantha Rivera	N/A-		
03/27/2018	Roach, Sharon	-	2018-ASCR-03154-F	Rural Development 2017 Management Directive MD-715 Annual report.	00	Other Reasons - All Records Referred to Another Component or Agency	
04/10/2018	Eaton, Joshua	-	2018-ASCR-03451-F	seeking any and all-staff emails — that is, emails that went out to all staff in the Department of Agriculture Office of Civil Rights, for example on an all-staff email list — from Jan. 20, 2017, to the date your office processes this request. (Date Range for Record Search: From 1/20/2017 To 4/10/2018)	51	Granted/Denied in Part	
04/17/2018	Sanchez, David	Northern New Mexico	2018-ASCR-04224-F	requesting the information pertaining to the "Compliance Review of the Forest Service (FS) Region Two in Colorado and Region Three New	31	Granted in Full	

		Stockman's Assn		Mexico." Specifically, you are requesting the following: 1. All documented evidence which brings closure to each of the Findings identified throughout the report by the Region 3 office of the Regional Supervisor. 2. All correspondences emails, letters, phone calls made by the Office of the Region 3, Regional Supervisor "requests" for closure of the "Report." 3. All USDA Agency Decisions and evidence to close the "Report." 4. All and any documents associated with the "Report" which would include Congressional Correspondence. 5. All and any documents associated with the Report from Both Region 3 and Region 2.			
04/18/2018	Petersen, David	-	2018-ASCR-03722-F	copy of all the FOIA requests received last year (2017). (Date Range for Record Search: From 1/1/2017 To 12/31/2017)	16	Granted/Denied in Part	
04/25/2018	Kates, Graham	MuckRock News	2018-ASCR-02902-F	All emails, memorandums or reports that reference the "Interagency Working Group on Environmental Justice" or "EJ IWG", produced during the year 2016, and between January 1, 2017 and June 25, 2017.	0	Other Reasons - Request Withdrawn	
04/25/2018	Quitlong, Riccy	Alaska Airlines / Horizon Air	2018-ASCR-03687-F	seeking employment with Alaska Bingo Supply and ATM Alaska.	0	Other Reasons - Not Agency Record	
05/01/2018	Dunklin, Reese	Associated Press	2018-ASCR-03804-F	a copy of your log listing all FOIA requests submitted to the USDA and its offices from Jan 1, 2017 through present. (Date Range for Record Search: From 1/1/2017 To 5/1/2018)	7	Granted/Denied in Part	
06/14/2018	Hosangadi, Divya	Johns Hopkins Center for Health Security	2018-ASCR-04570-F	Requesting Continuity of Operations Plans-- 01/01/04 to Present Requesting all continuity of operations plans for the ASCR and its component organizations. If those plans are determined to be exempt from FOIA disclosure, I request lists of primary mission essential functions (PMEF) for the ASCR and its component organizations. Federal Preparedness Circular 65 requires that departments and agencies maintain lists of PMEFs as part of their continuity of operations plans. Records to be used in educational/research pursuits associated with the Johns Hopkins Bloomberg School of Public Health (Date Range for Record Search: From 01/01/2004 To 06/14/2018)	10	Other Reasons - All Records Referred to Another Component or Agency	

06/22/2018	Mower, Lawrence	The Tampa Bay Times	2018-ASCR-04739-F	Any and all correspondence from the office of U.S. Rep. Adam Putnam from Jan. 3, 2001 to Jan. 3, 2011. If there are records that are immediately available, I ask that they be provided first. (Date Range for Record Search: From 01/03/2001 To 01/03/2011)	4	Other Reasons - Request Withdrawn
07/23/2018	Gonzalez, Joey	-	2018-ASCR-05237-F	Final Agency Decision in (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C). 2. Any and all mailing documentation, receipts or confirmation that the item 1 was mailed or received by the undersigned. 3. Any and all emails to anyone between the Office of General Counsel and the USDA's Office of the Assistant Secretary for Civil Rights regarding item 1. 4. Name and address of any sub-contracted company that investigated the complaint in item 1. 5. Name and position of any person involved in mailing item 1 to undersigned. 6. Any and all emails between you (OASCR FOIA Office) and any person regarding responding to this request.	19	Granted/Denied in Part
07/26/2018	Edwards, Donna	-	2018-ASCR-05304-F	Requesting access to the CRIA (Civil rights Impact Analysis) created for the directed reassignment of employees in the USDA Forest Service Southern Research Station 4704 Utilization of Southern Forest Resources from Pineville, LA to Auburn, AL. This should have been created between October 1, 2016 and June 29, 2018	10	Other Reasons - No Records
08/01/2018	Galanter, Seth	National Center for Youth Law	2018-ASCR-05357-F	Please see attached pdf document. (Date Range for Record Search: From 10/01/2011 To 08/01/2018)	91	Granted/Denied in Part
08/03/2018	McCarty, Ryan	Megastar Advisors, LLC	2018-ASCR-05455-F	Federation of Federal Employee Benefit Advocates is seeking a list of employees within the Office of Civil Rights**. Please include: • First Name • Last Name • Email Address • City, State, Zip	1	Denied in Full
08/03/2018	Edgington, Terry	Federal Correctional Institution	2018-ASCR-05423-F	Your FOIA logs (Date Range for Record Search: From 1/1/2017 To 1/31/2017)	8	Granted/Denied in Part
08/06/2018	Weingarten, Debbie	-	2018-ASCR-05439-F	requesting access to: • A list of complaints made by Louisiana and North Carolina farmers against the USDA or FSA alleging discrimination based on race from 2007 to the present, and case/complaint status. • A list of	16	Granted in Full

					complaints made by any farmer from any state against the USDA or FSA alleging retaliation for participation in the Pigford v. Glickman or Pigford II lawsuit from 1999 to the present, and case/complaint status. • Acre reports from sugarcane farmers in Iberia Parish and Vermillion Parish Louisiana from 2007 to the present. • Records of any and all USDA loans to M.A. Patout & Son, Ltd, LLC sugar mill in Jeanerette, Louisiana. • A list of all USDA guaranteed loans made to Louisiana sugarcane farmers from 2007 until present. Include what type of loan (crop, emergency, ownership, etc) and race and demographic information for farmers. Please also include local lender names. • A list of all USDA guaranteed loans made in partnership with First Guaranty Bank, headquartered in Hammond, LA. I am a member of the news media and request expedited processing due to a quick upcoming feature story. Please supply the records without informing me of the cost if the fees do not exceed \$75, which I agree to pay.		
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Total No of Requests : 21

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